

SENATE BILL 195

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2003 Regular Session
3r1119

By: **Senator Kelley**

Introduced and read first time: January 28, 2003

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Abuse and Neglect - Failure to Report - Penalty**

3 FOR the purpose of making it a misdemeanor, subject to a certain penalty, for certain
4 health practitioners, police officers, educators, and human service workers to
5 fail to provide certain notice or make a certain report of suspected child abuse or
6 neglect under certain circumstances; altering certain time periods for making a
7 report of suspected abuse or neglect; and generally relating to child abuse and
8 neglect.

9 BY repealing and reenacting, with amendments,

10 Article - Family Law

11 Section 5-704

12 Annotated Code of Maryland

13 (1999 Replacement Volume and 2002 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Family Law**

17 5-704.

18 (a) Notwithstanding any other provision of law, including any law on
19 privileged communications, each health practitioner, police officer, educator, or
20 human service worker, acting in a professional capacity:

21 (1) (i) who has reason to believe that a child has been subjected to
22 abuse, shall notify the local department or the appropriate law enforcement agency;
23 or

24 (ii) who has reason to believe that a child has been subjected to
25 neglect, shall notify the local department; and

26 (2) if acting as a staff member of a hospital, public health agency, child
27 care institution, juvenile detention center, school, or similar institution, shall

1 immediately notify and give all information required by this section to the head of the
2 institution or the designee of the head.

3 (b) (1) An individual who notifies the appropriate authorities under
4 subsection (a) of this section shall make:

5 (i) an oral report, by telephone or direct communication[, as soon
6 as possible]:

7 1. to the local department or appropriate law enforcement
8 agency if the person has reason to believe that the child has been subjected to abuse;
9 or

10 2. to the local department if the person has reason to believe
11 that the child has been subjected to neglect; and

12 (ii) a written report[:

13 1.] to the local department [not later than 48 hours after the
14 contact, examination, attention, or treatment that caused the individual to believe
15 that the child had been subjected to abuse or neglect; and

16 2.] with a copy to the local State's Attorney if the individual
17 has reason to believe that the child has been subjected to abuse.

18 (2) (I) AN ORAL REPORT UNDER PARAGRAPH (1)(I) OF THIS
19 SUBSECTION SHALL BE MADE AS SOON AS POSSIBLE, BUT NOT LATER THAN 24
20 HOURS AFTER THE INDIVIDUAL, IN THE INDIVIDUAL'S PROFESSIONAL CAPACITY,
21 FIRST HAS REASON TO BELIEVE THAT A CHILD HAS BEEN SUBJECTED TO ABUSE OR
22 NEGLECT.

23 (II) A WRITTEN REPORT UNDER PARAGRAPH (1)(II) OF THIS
24 SUBSECTION SHALL BE MADE NOT LATER THAN 48 HOURS AFTER THE INDIVIDUAL,
25 IN THE INDIVIDUAL'S PROFESSIONAL CAPACITY, FIRST HAS REASON TO BELIEVE
26 THAT A CHILD HAS BEEN SUBJECTED TO ABUSE OR NEGLECT.

27 [(2)] (3) (i) An agency to which an oral report of suspected abuse is
28 made under paragraph (1) of this subsection shall immediately notify the other
29 agency.

30 (ii) This paragraph does not prohibit a local department and an
31 appropriate law enforcement agency from agreeing to cooperative arrangements.

32 (c) Insofar as is reasonably possible, an individual who makes a report under
33 this section shall include in the report the following information:

34 (1) the name, age, and home address of the child;

35 (2) the name and home address of the child's parent or other person who
36 is responsible for the child's care;

- 1 (3) the whereabouts of the child;
- 2 (4) the nature and extent of the abuse or neglect of the child, including
3 any evidence or information available to the reporter concerning possible previous
4 instances of abuse or neglect; and
- 5 (5) any other information that would help to determine:
- 6 (i) the cause of the suspected abuse or neglect; and
- 7 (ii) the identity of any individual responsible for the abuse or
8 neglect.

9 (D) A PERSON WHO IS REQUIRED TO PROVIDE NOTICE UNDER SUBSECTION (A)
10 OF THIS SECTION OR MAKE A REPORT UNDER SUBSECTION (B) OF THIS SECTION AND
11 WHO WILLFULLY AND KNOWINGLY FAILS TO PROVIDE THE REQUIRED NOTICE OR
12 MAKE THE REQUIRED REPORT IS GUILTY OF A MISDEMEANOR AND ON CONVICTION
13 IS SUBJECT TO A FINE NOT EXCEEDING \$2,000.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2003.